

## **REMARKS**

Claim 1 has been cancelled. Claims 6-9 have been newly added. Support for this amendment can be found at, for example, original claim 1, page 4, lines 8-15, examples 4 and 9 etc. No new matter is added. Claims 2-9 are pending in the present application.

### **Restriction**

The Examiner made a restriction requirement to of one of the following inventions:

I. Claim 1, drawn to a composition;

II. Claims 2-5, drawn to methods of preparing the composition of claim 1.

Applicants hereby elect the original claim 1 (group I), which now corresponds to the newly added claims 6-9, with traverse for the reasons below.

In order for a restriction requirement to be proper, 35 U.S.C. §121 requires that two or more independent AND distinct inventions be claimed in a single application (see MPEP 802 and 802.01). Thus, more is necessary to support a restriction requirement than a showing that two or more disclosed subjects are patentable over each other (distinctness).

In the present case, the Examiner merely discussed the distinctness between groups I and II, but failed to show that group I of claim 1 and group II were independent from each other. The term "independent" means that there is no disclosed relationship between the two or more subjects disclosed, that is, they are unconnected in design, operation, or effect (see MPEP 802.01). In the present case, group I is directed to a composition, while group II is directed to the methods of producing the composition of group I. Apparently, there is a disclosed relationship between the subjects of groups II and I. In another word, groups I and II are not independent from each other. Accordingly, the restriction requirement is not proper under 35 U.S.C. §121, and should be withdrawn.

### **Objection to Claim 1**

The Examiner objected to claim 1 because of the typographical errors. Claim 1 has been cancelled in the present amendment. The typographical errors of original claim 1 do not exist in the newly added claims 6-9. Hence, the objection should be withdrawn.

### **Anticipation and/or Obviousness Rejections**

Claim 1 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being obvious over either Zhang et al (study of low-temperature sintering Z-type hexaferrites), CN 128020 or JP 09167703. Applicants believe that the newly added claims 6-9 in the present amendment, which corresponds to the original claim 1, are neither anticipated by, nor obvious over any single or combined references for the reasons as expressed below.

Zhang et al discloses a composition of  $\text{Ba}_3\text{Co}_{2-x-y}\text{Zn}_x\text{Cu}_y\text{Fe}_{23-\delta}\text{O}_{41}$ . The present invention differs from Zhang et al in the following aspects:

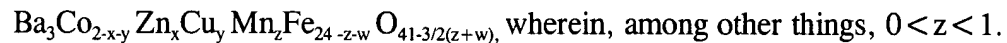
1. The composition in accordance with the present invention (see claim 6) comprises Mn(manganese), while the composition of Zhang et al does not. In other words, in the present invention, not only Co (cobalt) can be replaced by the Zn (zinc) and copper (Cu); but also Fe (iron) can be replaced by Mn, which is not disclosed by Zhang et al.

2. The composition can be free of  $\text{Bi}_2\text{O}_3$  and  $\text{V}_2\text{O}_5$  (see claims 7-9), while Zhang et al does not disclose such a composition. In other words, in the present invention, without using  $\text{Bi}_2\text{O}_3$  and  $\text{V}_2\text{O}_5$  as the sintering aid, the sintering can still be conducted at a lower temperature such as 870-920 °C, by using other sintering aid such as PbO and/or  $\text{B}_2\text{O}_3$  (see claims 8-9).

Similar to Zhang et al, CN '020 also disclose a composition of  $\text{Ba}_3\text{Co}_{2-x-y}\text{Zn}_x\text{Cu}_y\text{Fe}_{24-\delta}\text{O}_{41}$ . The present invention differs from CN'020 in at least the same aspects as it differs from Zhang et al as above discussed.

JP '703 discloses a ferrite comprising at least one alkaline earth metal, Fe, O, and Pb or Cu. However, JP '703 does not disclose any composition comprising Mn or any method of replacing a part of Fe with Mn.

In summary, none of the cited references discloses a multilayer chip inductor material comprising a major component Z-type planar hexaferrite as following:



Hence, even combining the teachings of all the cited references, one of ordinary skill in the art would still not have come up with the present invention as claimed in claims 6-9.

For at least the foregoing reason, claims 6-9 are neither anticipated by any references cited by the Examiner under 35 U.S.C. 102, nor obvious over any of those references, alone or in combination, under 35 U.S.C. 103.

As to the claims 2-5, Applicants believe they are distinguishable from and patentable over the cited references. Since the Examiner did not consider these claims in this Office Action, Applicants herein do not address any reason as to why claims 2-15 are patentable over these references.

Further, the unexpected results of the present invention such as homogeneity of grain size, no agglomeration, high purity, stable performance, better reliability and electric magnetic performance, have been described and illustrated in the specification and in the drawings in a great detail.

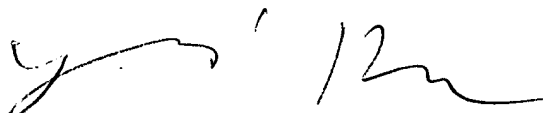
For the foregoing, Applicants believe the present application is in a condition of allowance. Early and favorable consideration is earnestly and respectfully requested.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By

A handwritten signature in black ink, appearing to be 'Yunling Ren', written over a horizontal line.

Yunling Ren  
Reg. No. 47,019  
551 Fifth Avenue, Suite 1210  
New York, New York 10176  
(212) 687-2770

Dated: February 5, 2004